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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,091	05/30/2001	James E. Doyle	SUS01 P314	8506

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EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,091

Applicant(s)

DOYLE ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This is the fourth office action for U.S. Application 09/870,019 for a Motor Mount filed by James E. Doyle et al. on May 30, 2001.

Claim Rejections - 35 USC § 103

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art disclosed by Applicant in view of Baker, in further view of U.S. Patent 5,224,429 to Borgman et al, an in further view of U.S. patent Re. 28,816 to Lambrecht et al. The prior art disclosed by Applicant (Page 1, lines 11-21) discloses a motor assembly with a drive shaft extending therefrom for coupling to a drive screw (page 1, line 14-16). The drive screw extends into a telescopic leg assembly and couples to a drive nut for extending or retracting one leg with respect to another. There is a base on top of the inner leg and the motor housing is attached to the base by at least one threaded fastener.

The prior art disclosed by Applicant does not specifically disclose a pin extending from a motor mounting plate as the fastener for fastening the motor assembly to the base and it does not disclose a rubber grommet inside of an aperture in the base for receiving the pin. Baker discloses a means and method for reducing vibration and noise between an electric motor (1) and its application. The motor has an endshield (15) with four tapered (appears to be about 10 degrees) studs (25) extending therefrom parallel to a drive shaft (13), for securing the motor to the application. The drive shaft is connected to the motor assembly, extends through an aperture in the base, and a bearing between the

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base and the drive shaft. The application has a frame plate (23) that has four apertures (17) with four rubber grommets (29) for receiving the studs that extend from the motor and isolating vibration between the motor assembly and the application. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized rubber grommets in the apertures of the base taught by the prior art, as taught by Baker, for the purpose of receiving the studs or fasteners of a motor assembly and isolating vibration between the motor and the application.

The prior art disclosed by Applicant in view of Baker, does not disclose a thrust bearing and washer extending between the base and the drive screw. Borgman et al. discloses a telescopic leg assembly with a drive screw (53 and 62) extending through a base (66). The drive screw has a thrust bearing (56) between the base and drive screw that receives forces from the drive screw. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a thrust bearing between the drive shaft and base in place of the bearing taught by taught by the prior art disclosed by Applicant in view of Baker, as taught by Borgman et al., for the purpose of receiving forces.

The prior art disclosed by Applicant in view of Baker, in further view of Borgman et al. does not specifically disclose pins as the fastener for coupling the motor and the base, instead disclosing studs. Lambrecht et al. discloses that studs and pins (217) are functional equivalents (see col. 7, lines 38-42). It would have been obvious to one of ordinary skill in the art at the time of the present

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invention to have substituted pins for the studs taught by the prior art disclosed by Applicant in view of Baker, in further view of Borgman et al., as taught by Lambrecht et al., because they are functional equivalents.

Response to Arguments

Applicant's arguments filed October 3, 2003 have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Baker teaches a means for reducing vibration. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized the means taught by Baker, on the device taught by the prior art cited by Applicant, for the purpose of reducing vibration. Applicant also argues that the portion 25 taught by Baker is not in contact with the elastomeric element. However, the base 45 of the element 25, does appear to be in contact with the elastomeric element (see fig. 5).

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.



Steven Marsh

December 30, 2003



Korie Chan

Primary Examiner